

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHANTANICE BARKSDALE,

Plaintiff,

Case No. 21-cv-12729

Hon. Matthew F. Leitman

v.

COUNTY OF MACOMB, *et al.*,

Defendants.

ORDER GRANTING PLAINTIFF'S
MOTION TO EXTEND SUMMONS (ECF No. 6)

On November 22, 2021, Plaintiff Shantanice Barksdale filed this civil rights action against the County of Macomb and others. (*See* Compl., ECF No. 1.) Barksdale alleges, among other things, that Defendants violated her constitutional rights while she was incarcerated at the Macomb County Jail. (*See id.*)

Barksdale has successfully served Defendants Macomb County and Amanda Backers, but her attempts to serve Defendant Michael Gorges with the Summons and Complaint have been unsuccessful. Accordingly, on February 21, 2022, Barksdale filed a motion to extend the Summons so that she can continue her efforts to locate and serve Gorges. (*See* Mot., ECF No. 6.)

The Court has reviewed Barksdale's motion and concludes that it should be granted. It appears that Barksdale has made a good faith effort to serve Gorges

during the initial period of the Summons. Her counsel spoke with representatives of both the Macomb County Jail – where Gorges was believed to be working – and the Macomb County Civil Division, those representatives told her counsel that Barksdale could serve Gorges by sending the Summons and Complaint to the Macomb County Sheriff’s Department, and her counsel sent the Summons and Complaint to the sheriff’s office as directed. (*See id.* at ¶¶ 1-8, PageID.38.) However, after counsel did so, the Summons and Complaint returned to counsel as undeliverable because Gorges “no longer work[ed]” for the sheriff’s department. (*Id.* at ¶11, PageID.39; *see also* Returned Envelope, *id.*, PageID.44.) Counsel then promptly filed the current motion to extend the Summons. Moreover, because this action is still in its early stages, no party will be unduly prejudiced by allowing Barksdale a reasonable amount of time to locate and serve Gorges.

Accordingly, for the reasons stated above, and the reasons stated in Barksdale’s motion, the motion (ECF No. 6) is **GRANTED**. Barksdale shall serve on Gorges (1) the Summons, (2) the Complaint, and (3) this order by no later than **April 25, 2022**. Finally, Barksdale shall file a Certificate of Service with this Court when service of these documents has been completed.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: February 23, 2022

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 23, 2022, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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